

REMARKS

Claims 1-15 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

INFORMATION DISCLOSURE STATEMENT

The Examiner indicates that three foreign patent documents cited in the IDS of September 2, 2004, have been crossed out since the foreign patent documents were not in the file. By crossing out the foreign patent documents on the Form 1449, Applicant assumes that the Examiner has neglected to consider these references.

Applicant respectfully asserts, however, that the present application is a National Phase application of a PCT application. Since this application is a National Phase of a PCT, a copy of the International Search Report was submitted for the Examiner's review. The foreign patent documents not considered by the Examiner were listed in the International Search Report. Further, since the International Search Report was from the EPO search authority, copies of these references should have been supplied to the USPTO under the trilateral agreement and should have been in the file. See MPEP 1893.03(g). Accordingly, Applicant respectfully asserts that the Examiner should have considered these references.

SPECIFICATION

The specification stands objected to for certain informalities. The Examiner alleges that the phrase "magnetic elastomer" in claims 8 and 15 is not supported by the

specification as filed. Applicant respectfully asserts, however, that the phrase “magnetic elastomer” is fully supported by, at least, paragraph [0017]. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner alleges that the phrase “damping channel” in claim 2 should be “additional damping channel.” Applicant has amended claim 2 to recite “additional damping channel.” As such, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ozawa (U.S. Pat. No. 4,853,723). This rejection is respectfully traversed.

At the outset, Applicant notes that independent claims 1 and 12 are amended. Claim 1 now recites:

1. A switchable assembly bearing with hydraulic damping, particularly for supporting drive assemblies and/or gearbox assemblies in motor vehicles, comprising:

at least one working chamber and one compensation chamber that are separated from one another by a dividing wall, said working chamber and said compensation chamber being hydraulically interconnected through a damping channel and at least one additional damping channel that are formed in said dividing wall, said additional damping channel hydraulically interconnecting said working chamber and said compensation chamber through a connecting chamber, said connecting chamber housing a shut-off

body separate and apart from said dividing wall that is displaceable from a first position that enables fluid communication through said connecting chamber and a second position that closes said additional damping channel to disable fluid communication through said connecting chamber,

wherein said additional damping channel is configured and disposed relative to a symmetry axis of the bearing so that forces acting on said shut-off body through a hydraulic liquid counterbalance each other.

Claim 12 recites:

12. A bearing assembly comprising:
a working chamber;
a compensation chamber in fluid communication with said working chamber through a first damping channel; and
a connecting chamber fluidly connecting said working chamber and said compensation chamber through a second damping channel;
wherein said first and second damping channels are formed in a dividing wall that separates said working chamber and said compensation chamber;
said connecting chamber includes a sealing ring separate and apart from said dividing wall that is movable between an open position and a closed position such that said sealing ring can open and close said second damping channel of said dividing wall.

The amendments to claims 1 and 12 are fully supported by the specification and drawings as originally filed. No new matter has been added. For example, claims 1 and 12 are supported by Figures 1a and 1b where it can be seen that the shut-off body (sealing ring) 90 is separate and apart from the dividing wall 50 that includes the damping channel 60 and the additional damping channel 70.

Ozawa does not anticipate such a structure. In contrast the claimed structure, Ozawa teaches a configuration, as shown in Figure 5, where the alleged shut-off body 9 is formed as part of the dividing wall that separates the working chamber F from the compensation chamber B. In contrast, the claimed invention recites a movable shut-off body (sealing ring) that is separate and apart from the dividing wall. Because Ozawa

fails to teach this aspect of claims 1 and 12, Applicant respectfully asserts that the claimed invention is not anticipated.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

DOUBLE PATENTING

The Examiner alleges that claim 1 conflicts with claim 1 of co-pending application serial no. 10/506,369. Applicant respectfully asserts, however, that claim 1 of the present application is distinguishable from the claims of co-pending application serial no. 10/506,369. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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